

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 91-496-C - ORDER NO. 92-144  
MARCH 2, 1992

IN RE: Elvira E. Thompson,	)	
	)	
Complainant,	)	
	)	
vs.	)	ORDER ADDRESSING
	)	COMPLAINT
Southern Bell Telephone	)	
& Telegraph Company,	)	
	)	
Respondent.	)	
	)	

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This matter is before the Public Service Commission of South Carolina (the Commission) on Elvira E. Thompson's (Complainant's or Mrs. Thompson's) complaint against Southern Bell Telephone & Telegraph Company (Respondent or the Company). Mrs. Thompson asserts that off and on since 1984 she has received poor telephone service from Southern Bell.

A hearing was held before the Commission on February 4, 1992. The Honorable Marjorie Amos-Frazier presided. Mrs. Thompson appeared pro se and offered her own testimony. Southern Bell, represented by Caroline N. Watson, Esquire, offered the testimony of Clifford E. Johnson. The Commission Staff, represented by Gayle B. Nichols, Staff Counsel, offered the testimony of David S. Lacoste.

FINDINGS OF FACT

1. Mrs. Thompson asserts that problems with her telephone service began after the divestiture of AT&T in 1984. She testified that at that time she began receiving recordings stating she had dialed the wrong number or that she needed to dial a "1" because the call was long distance. Mrs. Thompson stated that at times she would have to dial a telephone number 6 or 7 times before the call would be completed. Ms. Thompson explained that she would have trouble placing calls about once every two months and that when the trouble occurred it would last all day long. Mrs. Thompson testified she used a rotary telephone and had a rotary line.

2. Mrs. Thompson testified that after sometime she complained to Southern Bell and that in 1986, after checking her line, Southern Bell placed her on Touch-Tone without charge. She testified that from 1986 until May of 1988, she experienced few telephone problems and that service during this time period was acceptable.

3. Mrs. Thompson explained that her telephone problems reappeared on May 25, 1988, when her telephone line was transferred from one building at her residence to another. Mrs. Thompson stated that at the time Southern Bell transferred her telephone line it switched her service to rotary. Mrs. Thompson testified that on several occasions she contacted Southern Bell concerning her dialing problems and that Southern Bell conducted some test calls from her home. Mrs. Thompson testified that in the Fall of 1988 Southern Bell placed Touch-Tone service on her line without

charge and loaned her a Touch-Tone telephone. Mrs. Thompson stated she asked Southern Bell to remove Touch-Tone and pick up its telephone because she believed Southern Bell was only providing her with Touch-Tone service for its own convenience to avoid her complaints. Mrs. Thompson testified that when her telephone line was switched back to rotary her telephone problems again reappeared.

4. Mrs. Thompson testified that she discovered Southern Bell had placed her line back to Touch-Tone in April 1991 without first notifying her. Mrs. Thompson testified that when her line is on Touch-Tone she receives an acceptable level of telephone service.

5. Mrs. Thompson testified that she uses a rotary telephone and that she has never paid a charge for Touch-Tone service. She explained that she wanted Southern Bell to compensate her for the time spent in prosecuting her complaint and for her costs for purchasing equipment for use in establishing her poor telephone service. Mrs. Thompson further testified that she did not care if she received rotary or Touch-Tone service but that she wanted to be able to dial a telephone number and have her call completed. She also explained that she wanted Southern Bell to make a record of the type of service she was receiving so that repairmen would not switch her service to an improper line. Mrs. Thompson stated that if she received the quality of service that she had between 1986 and May of 1988, when she asserted she received Touch-Tone service, her telephone service would be acceptable.

6. Southern Bell's witness, Clifford E. Johnson, testified

that the Company had received numerous complaints from Mrs. Thompson regarding the quality of her telephone service. He testified that he had personally placed test calls over her telephone lines and had not encountered any difficulty. Mr. Johnson testified Southern Bell has changed Mrs. Thompson's cable pairs and its central office originating equipment, that it has converted her service to Touch-Tone at no charge and provided her with loaner telephones, and that it has performed continuity, transmission, and dial pulsing tests. Mr. Johnson stated that after adding Touch-Tone service to her line and loaning her a telephone, Mrs. Thompson reported she had no trouble with her dialing and that her service was working properly. Mr. Johnson remarked that Mrs. Thompson reports the same problems with her telephone service even though her service has been relocated on at least one occasion.

7. Mr. Johnson testified that any problems Mrs. Thompson may be having in connection with her telephone service are not caused by Southern Bell. He further testified that Mrs. Thompson's problems may be caused by her "dialing habits" or by problems in her telephone set. Mr. Johnson testified he retired from Southern Bell in April 1991 and, accordingly, did not know if Southern Bell had placed Mrs. Thompson's telephone line on Touch-Tone at that time. Mr. Johnson testified he did not know the type of service Mrs. Thompson was currently receiving.

8. David Lacoste, an engineer in the Telecommunications Department of the Commission, testified that he performed a series of tests on Mrs. Thompson's line in September 1991. He explained he placed 155 test calls, utilizing both dial pulse (rotary) and Touch Tone calls and that all calls were successfully completed.<sup>1</sup> Mr. Lacoste testified that his transmission readings of Mrs. Thompson's cable pair met all of the Commission's guidelines. Finally, Mr. Lacoste explained that he performed testing with a Model 77 Cable Pair Analyzer and that no abnormal indications were found.

#### CONCLUSIONS OF LAW

1. Southern Bell is a telephone utility operating within its service area within the State of South Carolina. S.C. Code Ann. §58-9-10, et. seq. Southern Bell's intrastate rates and service are regulated by this Commission.

2. Mrs. Thompson resides in Southern Bell's service area and, consequently, receives telephone service from Southern Bell.

3. The Commission recognizes that Mrs. Thompson's telephone problems do not occur on a regular basis and, accordingly, testing may not detect the source of Mrs. Thompson's difficulties. On the other hand, the Commission finds that Southern Bell has made a reasonable effort to locate the cause of Mrs. Thompson's problems.

4. Although the cause of Mrs. Thompson's telephone problems

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1. Mr. Lacoste explained that a line established for dial pulse or rotary service can only originate dial pulse calls and that a Touch-Tone equipped line allows for origination of either Touch-Tone or dial pulse calls.

is unknown, her poor telephone service appears to subside when her line is on Touch-Tone. Although the record is not definitively clear as to what type of service Mrs. Thompson is actually receiving, the Commission recognizes that for approximately the last year Mrs. Thompson has not complained about her service.

5. Accordingly, the Commission concludes that Southern Bell should be required to continue to provide, at a minimum, the level and quality of service that Mrs. Thompson is currently receiving without any additional charge. Further, on an annual basis, Southern Bell should be required to provide Mrs. Thompson a written statement which indicates the type of service she is receiving.

6. The Commission concludes it does not have subject matter jurisdiction to consider the issue of damages as set forth by Mrs. Thompson. S.C. Code Ann. §58-3-140 (Supp. 1991).

IT IS THEREFORE ORDERED:

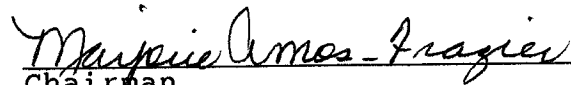
1. At a minimum, Southern Bell shall provide Mrs. Thompson with the level and quality of service she is currently receiving. Southern Bell shall not impose any additional charges which Mrs. Thompson is not now paying for this service.

2. Beginning March 15, 1992, and annually thereafter, Southern Bell shall notify Mrs. Thompson in writing as to the type of service she is receiving.

3. Mrs. Thompson's complaint is hereby dismissed.

4. That this Order shall remain in full force and effect until further Order of the Commission.

IT IS SO ORDERED:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)